

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SUE EARL,**

**Plaintiff,**

**v.**

**(Judge Richard J. Holwell)**

**2007 Civ. 09595 (RJH)**

**NOVARTIS CONSUMER HEALTH,  
INC,**

**Defendant.**

**PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff Sue Earl, by and through undersigned counsel, respectfully submits this Motion for Leave to File an Amended Complaint. This motion is based upon the memorandum in support filed herewith, the applicable law, and the pleadings filed in this case.

Dated: April 2, 2008

By:

s/ Steven Wittels

Steven Wittels, (SLW-8110)

Jeremy Heisler, (JH-0145)

**SANFORD WITTELS & HEISLER, LLP**

950 Third Avenue

10th Floor

New York, NY 10022

Telephone: (646) 723-2947

Facsimile: (646) 723-2948

David W. Sanford, D.C. Bar No. 457933

**SANFORD WITTELS & HEISLER, LLP**

1666 Connecticut Avenue, N.W.

Suite 310

Washington, D.C. 20009

Telephone: (202) 742-7780

Facsimile: (202) 742-7776

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2008, a copy of the foregoing was filed electronically. Notice of filing will be sent to the following parties by operation of the Court's electronic filing system. The parties may access this filing through the Court's system.

Allyson Marie Smith  
**OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C**  
10 Madison Avenue, Suite 402  
Morristown, NJ 07960

*Attorney for Novartis Consumer Health, Inc.*

s/ Steven Wittels  
Steven Wittels